

By: Leibowitz

H.B. No. 3157

A BILL TO BE ENTITLED

AN ACT

relating to establishing a kinship caregiver assistance program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 264, Family Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. KINSHIP CAREGIVER ASSISTANCE PROGRAM

Sec. 264.851. DEFINITIONS. In this subchapter:

(1) "Kinship caregiver" means a relative who provides substitute care for a child for whom the department had been appointed managing conservator, but who is not licensed or certified to operate a foster home, foster group home, agency foster home, or agency foster group home under Chapter 42, Human Resources Code.

(2) "Relative" means a person related to a child by consanguinity as determined under Section 573.022, Government Code.

Sec. 264.852. RULES. (a) The executive commissioner shall adopt rules necessary to implement the kinship caregiver assistance program. The rules must:

(1) establish eligibility requirements to receive kinship caregiver assistance benefits under the program; and

(2) provide for the amount of kinship caregiver assistance payments under the program.

(b) In adopting rules regarding kinship caregiver

1 assistance payments, the executive commissioner shall ensure that
2 kinship caregiver assistance payments are equal to the monetary
3 assistance available for a foster care provider caring for the
4 child for whom the kinship caregiver is caring.

5 (c) To the extent permitted by federal law, the department
6 shall use federal funds available under Title IV-E, Social Security
7 Act (42 U.S.C. Section 670 et seq.), to administer the program under
8 this subchapter.

9 (d) A person may not concurrently receive kinship caregiver
10 assistance payments under this subchapter and relative caregiver
11 assistance under Subchapter I.

12 SECTION 2. Not later than December 1, 2009, the executive
13 commissioner of the Health and Human Services Commission shall
14 adopt rules for implementing and administering the kinship
15 caregiver assistance program under Subchapter K, Chapter 264,
16 Family Code, as added by this Act.

17 SECTION 3. If before implementing any provision of this Act
18 a state agency determines that a waiver or authorization from a
19 federal agency is necessary for implementation of that provision,
20 the agency affected by the provision shall request the waiver or
21 authorization and may delay implementing that provision until the
22 waiver or authorization is granted.

23 SECTION 4. This Act takes effect September 1, 2009.